



tesa 481-KGB
00467

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Handwritten:
Hof
2/13/02
JME

Applicants : JORN LEIBER ET AL.
Serial No. : 08/976,820
Filed : November 25, 1997
For : USE OF AN ADHESIVE TAPE SECTION
Art Unit : 1771
Examiner : J. Guarriello

RECEIVED
FEB 6 2002
TC 1700

Hon. Commissioner of Patents
Washington, D.C. 20231

APPELLANTS' BRIEF ON APPEAL PURSUANT TO 37 CFR § 1.192

SIR:

This is an appeal from the final rejection of claims 20-33, which are the only claims pending in the application.

(1) REAL PARTY IN INTEREST

The real party in interest is tesa AG, a German corporation, having a principal place of business at Quickbornstrasse 24, D-20253 Hamburg, Germany. The current record owner is Beiersdorf AG by virtue of an assignment recorded on February 10, 1999, at Reel 9753, Frame 0845. tesa AG was recently split from Beiersdorf AG, and the assignment of the present

application from Beiersdorf AG to tesa AG will be recorded in due course.

(2) RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

(3) STATUS OF CLAIMS

This application was originally filed with claims 1-10. The Preliminary Amendment dated May 13, 1999, canceled claim 10 and added claims 11-19. The Amendment dated May 30, 2000, canceled all of the claims then pending in the application and added claims 20-31. The Amendment dated November 22, 2000, added claims 32 and 33, leaving claims 20-33 as presently pending.

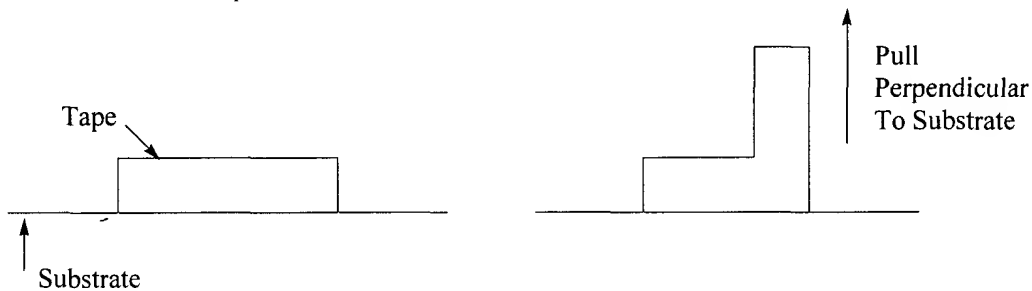
(4) STATUS OF AMENDMENTS

There has been one amendment filed since the final rejection, i.e., the Amendment dated July 9, 2001. However, this amendment did not make any changes to the claims, but, instead, presented only argument. In the Advisory Action dated July 27, 2001, the Examiner indicated that this Amendment had been considered.

(5) SUMMARY OF INVENTION

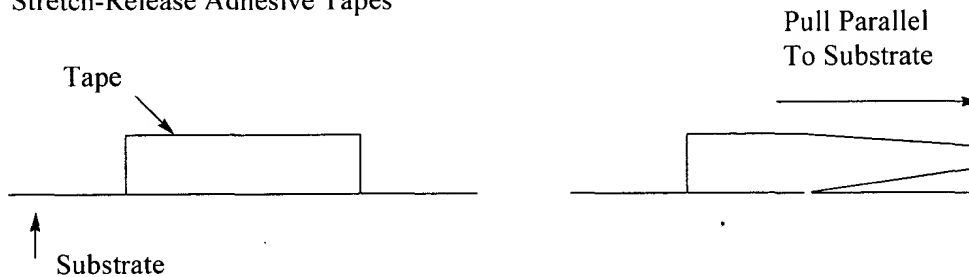
The present invention relates to the field of stretch-release adhesive tapes. A normal adhesive tape can be released from a substrate to which it has been adhered by freeing an end of the tape, grabbing the freed end, and pulling on the tape in a direction substantially *perpendicular* to the plane of the substrate.

Normal Adhesive Tapes



Stretch-release adhesive tapes, on the other hand, are released from a substrate to which they are adhered by pulling on the tape in a direction substantially *parallel* to the plane of the substrate.

Stretch-Release Adhesive Tapes



The act of stretching the tape causes the tape to lose its adherence to the substrate so that the tape

and any article bonded thereto are released from the substrate.

As discussed in the instant specification at page 1, lines 14-17, bonds produced with stretch-release adhesive tapes provide a powerful hold and yet can be released without trace and with little or no damage to the substrate or to the adherents. As discussed in the instant specification at page 2, lines 19-22, a preferred use of such stretch-release adhesive tapes is in the bonding of flexible materials, such as posters.

However, as discussed in the instant specification on pages 1-2, the use of stretch-release adhesive tapes for such purposes is problematic. First, the tape sometimes tears during the process of stretching the tape, and it is, thereafter, frequently impossible to remove the remainder of the tape without damaging the substrate or the adhered article. Stretch-release tapes with grip tabs were known, but, even for such tapes, the tearing problem still remained.

Second, the shear forces acting on the substrate or the adhered article as the tape was stretched sometimes damaged the substrate or the adhered article. This was particularly true in the case of delicate substrates, such as wallpaper.

Third, for those stretch-release tapes having grip tabs, the location of the grip tab was sometimes forgotten by the user, for example, where the tape had been in place for a long period of time, and this could make the release of the tape difficult or impossible. As described in the

specification at page 2, lines 22ff, this was especially problematic where it was desired to produce a hidden bond:

“In this context it is frequently the intention, for example for aesthetic reasons, to produce a hidden bond; in other words, the adhesive tape is to remain completely behind the article to be bonded in such a way that, in the bonded state, even the grip tab is not visible. Redetachment requires simple and easy location of the grip tab. In practice, however, it is found that the customer has frequently forgotten how the adhesive tapes were bonded at the time of fixing, and, as a result, where the grip tab is located. It may be the case, through oversight or lack of knowledge, that the self-adhesive tape has also been bonded in such a way that the grip-tab region lies towards the inside of the poster and therefore cannot be reached at all, and so the bond cannot be released again without damaging or destroying the bonded article or the substrate.”

The present invention solves these problems. In particular, the present invention relates to stretch-release adhesive tape sections, which are best understood by reference to Figures 1, 2b-2d (Figure 2a is no longer claimed) and 3.

In terms of the structure of the adhesive tape sections, the appealed claims can be broken down into two main categories. A first category includes claims 20-26, which are drawn to adhesive tape sections that have a *polygonal* shape. This first category is represented and

supported by Figures 2b-2d and 3. The second category includes claims 27-30, which are drawn to adhesive tape sections that have a *circular* shape. This second category is represented and supported by Figure 1.

Claims 31-33 are drawn to methods of forming a bond between the adhesive tape section and the substrate. The methods cover the use of any of the adhesive tape sections of claims 20-30.

In greater detail, claim 20 is drawn to an adhesive tape section comprising an adhesive region and a plurality of grip tabs. The adhesive tape section is expressly required to be “designed as a *polygon* having *a number* of sides and *the same number of grip tabs*.” Moreover, claim 20 requires that the adhesive tape section, when bonded to a substrate, forms a bond with said substrate, which bond can be released from said substrate by pulling on at least one of the grip tabs in the plane of said bond to stretch said adhesive tape section in the plane of said bond thereby to release the adhesive tape section from the substrate. As indicated, claim 20 is supported by Figures 2b-2d and 3, the explanations of these figures on pages 4 and 5 of the specification, and the original claims, especially original claims 7 and 9.

The adhesive tape of claim 20 solves the above-mentioned problems in the following ways. First, if the tape is torn while stretching in one direction, it should be possible to grab hold of one of the remaining grip tabs and stretch the tape in another direction to remove the

remainder of the tape. Second, because the tape carries a plurality of grip tabs, the shear forces acting on, for example, delicate substrates, can be reduced or eliminated by simultaneously grabbing two opposing grip tabs, and pulling on each with equal force in their respective, opposing directions. Third, also because the tape carries a plurality of grip tabs, at least one grip tab should be readily available to the user even if the user has forgotten the orientation of the hidden tape beneath an adhered article.

Claim 21 depends on claim 20, and specifies the further requirement that the adhesive tape section is designed as a *triangle*, and comprises *three grip tabs*, and one of the grip tabs is arranged in each of the angles of the triangle. Claim 21 is supported by Figure 3, by the explanation of this figure on page 5, lines 4-15, and by original claim 9.

Claim 22 depends on claim 20, and specifies the further requirement that the adhesive tape section is designed as a *quadrangle*, and comprises *four grip tabs*, and one of the grip tabs is arranged in each of the angles of the quadrangle. Claim 22 is supported by Figures 2b-2d, by the explanation of these figures at page 5, lines 1-3, and by original claim 9.

Claim 23 depends on claim 20, and specifies the further requirement that the adhesive tape section is self-adhesive on both faces thereof. Claim 23 is supported by page 4, lines 7-10, and by original claim 2.

Claim 24 depends on claim 20, and specifies the further requirement that the adhesive tape section comprises a highly stretchable material that can be deformed elastically or plastically on extension, with or without an intermediate support. The concept of a highly stretchable material that can be deformed elastically or plastically on extension is supported by page 3, last line, to page 4, line 7. The concept of an optional intermediate support is at page 4, lines 11-17. Claim 24 is also supported by original claim 3.

Claim 25 depends on claim 20, and specifies the further requirement that the grip tabs of the adhesive tape section are arranged around the adhesive region. This concept is supported by Figures 2b-2d and 3, by the text explaining these figures, and by original claim 4.

Claim 26 depends on claim 20, and specifies the further requirement that the grip tabs of the adhesive tape section are arranged symmetrically about the adhesive tape section. Claim 26 is supported by Figures 2b-2d and 3, by page 4, line 38, to page 5, line 3, and by original claim 5.

Claim 27 also is drawn to an adhesive tape section comprising an adhesive region and a grip tab. However, in this particular embodiment, the adhesive tape section is required to be “designed as a *circle*, [with] the adhesive region occupying a *central* portion of the circle, the grip tab occupying an outer portion of the circle, and the *grip tab surrounding the adhesive region*.” As was the case with claim 20, claim 27 requires that the adhesive tape section, when bonded to a substrate, forms a bond with the substrate, and the bond can be released from the

substrate by pulling the grip tab in the plane of the bond to stretch the adhesive tape section in the plane of the bond thereby to release the adhesive tape section from the substrate. Claim 27 is supported by Figure 1, by page 4, lines 34-37, and by original claim 8.

Like the polygonal tape of claims 20-26, the circular tape of claim 27 also solves the above-mentioned problems. First, the circular grip tab provides a means to stretch a remaining portion of the tape in many alternative directions should the tape tear while trying to stretch it in a given direction. Second, the circular grip tab provides a means for simultaneously grasping and stretching opposing portions of the tape, which, again, reduces or eliminates shear forces acting on the substrate or any adhered article. Finally, the circular grip tab provides a means whereby a portion of the grip tab will always be available to the user from every direction, again, in the event a user has forgotten the orientation of the hidden tape beneath an adhered article.

Claim 28 depends on claim 27, and specifies the further requirement that the adhesive tape section is self-adhesive on both faces thereof. Claim 28, like claim 23, is supported by page 4, lines 7-10, and by original claim 2.

Claim 29 depends on claim 27, and specifies the further requirement that the adhesive tape section comprises a highly stretchable material that can be deformed elastically or plastically on extension, with or without an intermediate support. Again, the concept of a highly stretchable material that can be deformed elastically or plastically on extension is supported by page 3, last

line, to page 4, line 7; and the concept of an optional intermediate support is at page 4, lines 11-17. Claim 29 is also supported by original claim 3.

Claim 30 depends on claim 27, and specifies the further requirement that the grip tab of the adhesive tape section is arranged symmetrically about the adhesive tape section. Claim 30 is supported by Figure 1, by page 4, lines 34-37, and by original claim 5.

Claim 31 relates to a method of forming a bond between an adhesive tape section and a substrate, and thereafter releasing the adhesive tape section from the substrate without leaving a residue on the substrate or destroying the substrate. The method comprises:

- A) providing an adhesive tape section according to any one of claims 20-30;
- B) forming a bond between the adhesive tape section and the substrate; and thereafter
- C) releasing the adhesive tape section from the substrate without leaving a residue on the substrate or destroying the substrate by pulling on at least one of the grip tabs in the plane of the bond to stretch the adhesive tape section in the plane of the bond thereby to release the adhesive tape section from the substrate without leaving a residue on the substrate or destroying the substrate.

Claim 31 is supported by, for example, Example 1, and, especially, page 7, lines 9-11. Claim 31 is also supported by Examples 2 and 3.

Claim 32 relates to a similar method, which comprises:

- A) providing an adhesive tape section according to Claim 20;
- B) forming a bond between the adhesive tape section and the substrate; and
- C) releasing the adhesive tape section from the substrate without leaving a residue on the substrate or destroying the substrate by simultaneously pulling at least two grip tabs in the plane of the bond to stretch the adhesive tape section in the plane of the bond thereby to release the adhesive tape section from the substrate without leaving residue on the substrate or destroying the substrate.

Claim 32 is supported by, for example, Example 1a, and, especially, page 8, lines 9-14.

Claim 33 depends on claim 32, and requires the further limitation that Step C further comprises simultaneously pulling the at least two grip tabs apart diametrically in the plane of the bond to stretch the adhesive tape section in the plane of the bond thereby to release the adhesive tape section from the substrate without leaving a residue on the substrate or destroying the

substrate. Claim 33 also is supported by, for example, Example 1a, and, especially, page 8, lines 9-14.

(6) ISSUES

The sole issue for consideration is whether the claims were properly finally rejected under 35 USC § 103(a) as being obvious over Luhmann et al. (“Luhmann”), U.S. Patent No. 5,725,923, taken in view of Cole, U.S. Patent No. 5,622,761.

(7) GROUPING OF CLAIMS

The claims on appeal do not all stand or fall together.

(8) ARGUMENT

I. THE CITED COMBINATION OF LUHMANN TAKEN IN VIEW OF COLE
DOES NOT MAKE OUT A *PRIMA FACIE* CASE OF OBVIOUSNESS
AGAINST ANY OF THE APPEALED CLAIMS.

Appellants firmly believe that the Examiner has not made out a *prima facie* case of obviousness. The cited combination of references does not teach or suggest:

- A) In the case of a *polygonal* adhesive tape section, that the adhesive tape section contains a number of grip tabs *equal to the number of sides of the polygon*;
- B) In the case of a *circular* adhesive tape section, that the adhesive tape section contains the adhesive as a central portion, and the grip tab *as an outer portion surrounding the adhesive*;
- C) In the case of the *method claims*, the adhesive tape section is released from the substrate to which it is adhered *by pulling on the grip tab(s)* to stretch the adhesive tape section to release the bond between the adhesive tape section and the substrate; or
- D) In the case of method claims 32 and 33, the adhesive tape section is released by simultaneously pulling the at least two grip tabs apart diametrically.

Appellants do not believe that the Examiner has fairly taken all of the limitations of the present claims into consideration, and, also, that the Examiner has not made all of the factual determinations mandated by *Graham v. John Deere Co.*, 383 U.S. 1, 17-18, 148 USPQ 459, 467 (1966). As reaffirmed by the Court of Appeals in *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999), and then later in *Ruiz v. A.B. Chance Co.*, 57 USPQ2d 1161, 1166 (Fed. Cir. 2000):

“The necessity of *Graham* findings is especially important where the invention is less technologically complex, as is the case here. In such a case, the danger increases that ‘the very ease with which the invention can be understood may prompt one ‘to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.’”

Id.

Appellants believe that this rejection is not properly supported by the prior art itself, and relies impermissibly upon the teachings in Appellants’ specification.

The rejection from which this appeal is taken was first made in the Office Action dated August 15, 2000. The Examiner found that Luhmann taught a double-sided adhesive film having grip tabs, but conceded that “Luhmann differs from the claimed invention with regard to the shape of the regions of the adhesive tape and the placement of the tabs in the regions.” See the first full paragraph on page 4 of that Office Action. The Examiner further found that “Cole teaches the adhesives can be single bodies or plural bodies and can be disposed in different geometrical shapes: circles, ovals, rectangles, polygons and other shapes.” See the second full paragraph on page 4 of that Office Action. Accordingly, the Examiner concluded that:

“It would have been obvious to one of ordinary skill in the art at

the time the invention was made in view of Cole regarding the shape of the regions of the adhesive tape to modify Luhmann regarding the shape of the regions and the placement of tabs in the regions with Cole motivated with the expectation that the rearranging the parts of the claimed invention involves only routine skill in the art which Cole exhibits.”

See the paragraph bridging pages 4-5 of that Office Action.

In other words, the Examiner’s position appears to be that Luhmann discloses adhesive tape sections having grip tabs, and Cole discloses adhesive tape sections having various shapes, and, therefore, it would have been obvious to make and use variously shaped adhesive tape sections having grip tabs.

However, this is *not* what Appellants claim. Claims 20-26 require A) a specific number of grip tabs and B) that the number of grip tabs be in a one-to-one relation to the number of sides of the adhesive tape section. Claims 27-30 require A) an outer circular grip tab surrounding B) a central adhesive region.

Appellants can find absolutely no teaching or suggestion of any of these limitations in the cited combination of references. Consequently, Appellants do not believe that the Examiner has made out a *prima facie* case of obviousness.

Moreover, and perhaps as a threshold issue, Appellants are unable to find any motivation for combining these references as suggested by the Examiner. In particular, Appellants note the following distinctions between the cited references and the instantly claimed invention.

Luhmann discloses a double sided adhesive tape that may be adhesive-free on both ends. (Luhmann at column 2, lines 16-17). Assuming for the sake of argument that these adhesive-free ends constitute grip tabs, the fact remains that for a quadrangle, Luhmann suggests at most *two* grip tabs. In contrast, the instant Claim 20 specifies an adhesive tape section in which the number of grip tabs *equals* the number of sides of the adhesive tape section which is designed as a polygon. Accordingly, for a quadrangle, claim 20 requires *four* grip tabs.

Further, Luhmann is silent about shapes other than quadrangles. In contrast, claim 27 also specifies a circular adhesive tape section.

Moreover, whereas the provision of a plurality of grip tabs is a cornerstone of the present invention, and necessary, as discussed above, to solve the problems attendant in the prior art, Luhmann regards the provision of these adhesive-free ends as an unimportant, optional embodiment. Luhmann specifically states that one disadvantage of prior art adhesive films is that a tab must project from the bond joint. Luhmann considers such a tab to be visually disadvantageous and remarks that such tabs can also easily disappear into the bond joint leading to confusion regarding how to release the bond, and destruction of at least one of the bonded

substrates. (Luhmann at column 1, lines 27 *et seq.*)

In direct contrast to the prior art, Luhmann teaches at column 1, lines 62-63, that no such tab is necessary or used, “In particular, a tab for pulling the adhesive film out of the bond joint should not be necessary.” Removal of the fixed object without leaving a residue is possible in a simple manner by pulling the object in the direction of the adhesive film longitudinal direction parallel to the bond plane. (Luhmann at column 2, lines 27-30) (Emphasis added.) Thus, according to Luhmann, one pulls on the object, *not the adhesive tape*, to release the bond.

While the Examiner is correct in noting that Luhmann mentions a tab, such a tab is recommended for removing adhesive residue left behind on the substrate, not for removing the object without leaving a residue. Luhmann states at column 2, line 61, bridging column 3, line 3: “However, this is relatively unimportant for some applications, in particular if the residues can remain on the substrates without causing any problems. However, if in this and other cases the residues are to be more easily removable, a tab is recommended in each case to enable easier pulling on the residue.” In view of the above, Appellants assert that Luhmann actually *teaches away* from using a tab located on the adhesive tape to release the bond between an object and a substrate.

Cole broadly discloses that the adhesives may be formed as single bodies or a plurality of bodies, disposed in shapes such as circles, ovals, ellipses, strips, rectangles or polygons on a

sheet, (Cole at column 3, lines 12-20). However, Appellants point out that Cole does not provide *any* guidance as to how the shape of the adhesive body relates to the number of grip tabs present as specified in the instant claims. For example, inspection of Figures 5-7 in Cole confirms that the various shapes of adhesive deposited on a square sheet suggest no relationship to the number of grip tabs as specified in the instant claims.

Furthermore, while Cole teaches that the sheet can be pulled apart from a substrate or another sheet by pulling the edge of the sheet farthest from the adhesive as shown in Figure 16, and this may be interpreted as one form of a “grip tab,” it is certainly not equivalent to having separate grip tabs for each side of the polygon adhesive tape section as instantly claimed. Moreover, Appellants note that the action of pulling the edge of the sheet as shown in Figure 16 is not equivalent to pulling in the plane of the bond to stretch as required by the instant claims. Accordingly, Appellants also do not believe that Cole is directed to the same technology as instantly claimed, or, for that matter, as involved in Luhmann.

Appellants point out that approaches to obviousness determinations which focus merely on identifying and tabulating “missing elements” in hindsight retrospect “imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge,” and “fall victim to the insidious effect of hindsight syndrome where that which only the inventor taught is used against its teacher.” *Gore v. Garlock*, 220 USPQ 303 (Fed. Cir. 1983). Appellants assert that there is no hint or suggestion in

either reference which would have motivated one of ordinary skill in the art to combine the tape and tabs of Luhmann with the various shapes of adhesive disclosed by Cole to form the instantly claimed adhesive tape sections equipped with the specified number and/or shape grip tabs.

The foregoing arguments in support of patentability were made in the Amendment dated November 22, 2000, but the Examiner maintained the rejection, and, moreover, made it final.

In so doing, the Examiner says at the bottom of page 3 of the final rejection that the prior art need not expressly teach the changes Appellants have made and that the test for obviousness is what the references as a whole would have suggested to persons skilled in the art. Appellants accept this statement of the law, but submit that using this test the cited combination of references clearly fails to establish *prima facie* obviousness.

As stated in *In re Shaffer*, 108 USPQ 326, 328-329 (CCPA 1956):

“It is too well settled for citation that references may be combined for the purpose of showing that a claim is unpatentable. However, they may not be combined indiscriminately, and to determine whether the combination of references is proper, the following criterion is often used: namely, whether the prior art suggests doing what an applicant has done. * * * [I]t is not enough for a valid rejection to view the prior art in retrospect once an applicant’s disclosure is known. *The art applied should be viewed by itself to see if it fairly disclosed doing what an applicant has done.*

[Emphasis added.]”

Main claim 20 expressly provides that the adhesive tape section is designed “as a polygon having a number of sides *and the same number of grip tabs.*” Main claim 27 expressly provides that the adhesive tape section is designed “as a circle” with “the adhesive region occupying a central portion of said circle, said grip tab occupying an outer portion of said circle, and said grip tab surrounding said adhesive region.”

Appellants submit that the cited combination of references cannot be said fairly to suggest these structural features of the instant claims. There is no suggestion—express or implied—in the cited combination of references to provide a number of grip tabs equal to the sides of the polygon-shaped adhesive or a surrounding grip tab in the case of a circle-shaped adhesive. While Appellants believe that Cole relates to a different adhesive technology, and is not properly combined with Luhmann, the fact that Cole describes various shapes for the adhesive provides no teaching or suggestion as to the number of grip tabs or their shape. Since Luhmann at best describes *two* grip tabs for a rectangular adhesive tape (which is a four-sided polygon, and, according to the present invention, should have *four* grip tabs), Luhmann not only fails to teach or suggest the present number of grip tabs or their shape, but, by teaching less than the number expressly required by the instant claims, actually teaches away from the present invention. Accordingly, it should be clear that the combination of Luhmann and Cole likewise fails to teach or suggest the present number of grip tabs or their shape. Since the present claims expressly

require a specific number of grip tabs or their shape, and this feature of the claims is neither taught nor suggested by the combination of Luhmann and Cole, the combination of Luhmann and Cole could not have rendered the present claims *prima facie* obvious to persons skilled in the art at the time the present invention was made.

The situation regarding the number of grip tabs and their shape is summarized in the following table:

Table

SHAPE	GRIP TABS (LUHMANN)	GRIP TABS (INVENTION)
Triangular	Silent	3
Rectangular	2	4
Pentangular	Silent	5
Hexangular	Silent	6
Circular	Silent	Circular

It should be clear that Luhmann does not teach or suggest the number of grip tabs or their shape as is required by the present claims. Cole does not remedy this deficiency as while the question whether Cole teaches or suggests grip tabs may be debated, it cannot be said that Cole relates the number of grip tabs and/or the shape of the grip tabs to the shape of the adhesive tape. Consequently, the combination of Luhmann and Cole cannot teach or suggest the number of grip

tabs or their shape as required by the instant claims.

At the top of page 3 of the final rejection, the Examiner concedes to Appellants' previous argument that Luhmann teaches grip tabs as being optional, but finds that this does not exclude tabs to be used to one of ordinary skill in the art. However, the fact that Luhmann teaches that grip tabs are optional is very important as it reveals a lack of motivation to provide Luhmann's adhesives with the two grip tabs expressly taught by Luhmann let alone to modify them to the four grip tabs that would be required by the present claims for a rectangular tape like Luhmann's. By teaching the grip tabs are optional, and not necessary, Luhmann teaches away from their use, and also away from the use of an even greater number of grip tabs as required by the instant claims.

Appellants submit that the cited combination of references does not fairly suggest to persons skilled in the art the structural features of the claims as discussed above. Accordingly, for this reason alone, Appellants submit that the Examiner should have reconsidered and withdrawn this rejection altogether.

II. THE COMBINATION OF LUHMANN TAKEN WITH COLE DOES NOT
TEACH OR SUGGEST THE MANIPULATIONS REQUIRED BY APPEALED
CLAIMS 31-33, AND, THEREFORE, THESE CLAIMS SHOULD HAVE BEEN
ALLOWED EVEN IF THE FINAL REJECTION WAS MAINTAINED AS TO

THE OTHER APPEALED CLAIMS.

Appellants also emphasize that method claims 31-33 stand on a separate footing than the other claims. Luhmann expressly teaches at column 2, lines 27-30, that the adhesive bond is broken by "pulling the object," i.e., *the substrate*, in the direction of the bond plane. Thus, this is completely different from what is required in claims 31-33, namely pulling on at least one of the grip tabs of *the adhesive tape itself* in the direction of the bond plane, and, in the case of claims 32 and 33, simultaneously pulling at least two of the grip tabs. While Appellants do not believe that the combination of Luhmann and Cole fairly suggests any of the limitations of any of the present claims, Appellants submit that the combination of Luhmann and Cole certainly does not suggest the limitations of claims 31-33. Accordingly, even if the rejection is maintained against claims 20-30, claims 31-33 should have been allowed.

(9) CONCLUSION

For the foregoing reasons, Appellants respectfully request that the Honorable Board reverse the final rejection.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No.

14-1263.

ADDITIONAL FEE

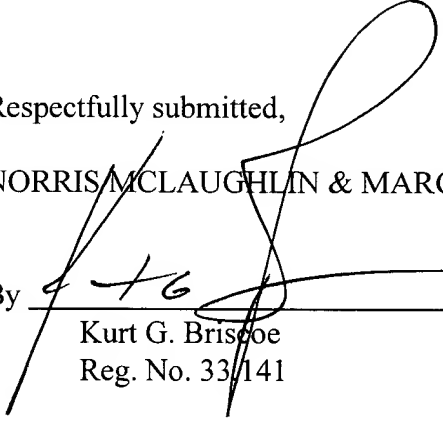
Please charge any insufficiency of fees, or credit any excess to our Deposit Account No.

14-1263.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By


Kurt G. Briscoe
Reg. No. 33/141

220 East 42nd Street
30th Floor
New York, NY 10017
(212) 808-0700

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner of Patents, Washington, D.C. 20231 on the date indicated below:

Date: January 11, 2002

By


Kurt G. Briscoe

(10) APPENDIX

CLAIMS ON APPEAL

20. An adhesive tape section comprising an adhesive region and a plurality of grip tabs, said adhesive tape section being designed as a polygon having a number of sides and the same number of grip tabs, wherein the adhesive tape section, when bonded to a substrate, forms a bond with said substrate, which bond is releasable from said substrate by pulling on at least one of said grip tabs in the plane of said bond to stretch said adhesive tape section in the plane of said bond thereby to release said adhesive tape section from said substrate.

21. The adhesive tape section according to claim 20, which is designed as a triangle, and comprises three grip tabs, and one of said grip tabs is arranged in each of the angles of said triangle.

22. The adhesive tape section according to claim 20, which is designed as a quadrangle, and comprises four grip tabs, and one of said grip tabs is arranged in each of the angles of said quadrangle.

23. The adhesive tape section according to claim 20, which is self-adhesive on both faces thereof.

24. The adhesive tape section according to claim 20, which comprises a highly stretchable material that can be deformed elastically or plastically on extension, with or without an intermediate support.

25. The adhesive tape section according to claim 20, wherein the grip tabs are arranged around the adhesive region.

26. The adhesive tape section according to claim 20, wherein the grip tabs are arranged symmetrically about the adhesive tape section.

27. The adhesive tape section comprising an adhesive region and a grip tab, said adhesive tape section being designed as a circle, the adhesive region occupying a central portion of said circle, said grip tab occupying an outer portion of said circle, and said grip tab surrounding said adhesive region, wherein the adhesive tape section, when bonded to a substrate, forms a bond with said substrate, which bond is releasable from said substrate by pulling said grip tab in the plane of said bond to stretch said adhesive tape section in the plane of said bond thereby to release said adhesive tape section from said substrate.

28. The adhesive tape section according to claim 27 which is self-adhesive on both faces thereof.

29. The adhesive tape section according to claim 27, which comprises a highly stretchable material that can be deformed elastically or plastically on extension, with or without an intermediate support.

30. The adhesive tape section according to claim 27, wherein the grip tab is arranged symmetrically about the adhesive tape section.

31. A method of forming a bond between an adhesive tape section and a substrate, and thereafter releasing said adhesive tape section from said substrate without leaving a residue on said substrate or destroying the substrate, said method comprising providing an adhesive tape section according to any one of claims 20-30, forming a bond between said adhesive tape section and said substrate, and thereafter releasing said adhesive tape section from said substrate without leaving a residue on said substrate or destroying the substrate by pulling on at least one of said grip tabs in the plane of said bond to stretch said adhesive tape section in the plane of said bond thereby to release said adhesive tape section from said substrate without leaving a residue on said substrate or destroying the substrate.

32. A method of forming a bond between an adhesive tape section and a substrate, and thereafter releasing said adhesive tape section from said substrate without leaving a residue on said substrate or destroying the substrate, said method comprising:

A. providing an adhesive tape section according to Claim 20,

- B. forming a bond between said adhesive tape section and said substrate, and
- C. releasing said adhesive tape section from said substrate without leaving a residue on said substrate or destroying the substrate by simultaneously pulling at least two grip tabs in the plane of said bond to stretch said adhesive tape section in the plane of said bond thereby to release said adhesive tape section from said substrate without leaving residue on said substrate or destroying said substrate.

33. The method according to Claim 32 wherein Step C further comprises simultaneously pulling the at least two grip tabs apart diametrically in the plane of said bond to stretch said adhesive tape section in the plane of said bond thereby to release said adhesive tape section from said substrate without leaving a residue on said substrate or destroying said substrate.